



New Jersey Department of Children and Families Policy Manual

Manual:	DCF	DCF Wide	Effective Date:
Volume:	III	Administrative Policies	
Chapter:	A	Human Resources	7-13-2016
Subchapter:	1	Human Resources	
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I.PURPOSE

The purpose of this policy is to provide Department-wide guidelines regarding the payment of overtime compensation for State employees in the career, senior executive and unclassified services based upon employee workweek designations as defined in N.J.A.C. 4A:6-2.

II.SCOPE

This policy applies Department-wide.

III.LEGAL AUTHORITY

- Fair Labor Standards Act, 29 U.S.C. 201 et seq.
- N.J.A.C.4A:6-2 et seq.
(http://www.state.nj.us/csc/about/about/title4a/ch6_2.html#1)
- N.J.A.C.4A:3-5 et seq.
(http://www.state.nj.us/csc/about/about/title4a/ch3_5.html#1)

IV.DEFINITIONS

The following terms when used in this Policy, have the meaning indicated:

Base Salary means the employee's rate of pay exclusive of any additional payments or allowances.

Cash Overtime Compensation means payment at a rate of one and one half times the hourly proration of the employee's base salary.

Compensatory Time means the granting of time off in lieu of cash payment where permitted, for excess or unusual work time.

Covered Position means a position subject to the Fair Labor Standards Act, 29 U.S.C. 201 et seq.

Exempt Position means a position which is excluded from the overtime provisions of the Fair Labor Standards Act.

Fixed Workweek Title means a State title specified as having a 35 hour (35, 3E) or 40 hour (40, 4E) workweek.

Holiday means a legal holiday or special holiday authorized by law or executive order.

Non-limited Title means a State title having variable work hours being designated as exempt non-limited (NL, N4) or covered and known as non-exempt, non-limited (NE).

Overtime Compensation means cash overtime compensation or compensatory time off as permitted.

Pay Period means the two-week period beginning Saturday, 12:00 A.M. and ending 11:59 P.M. the second Friday following.

Seven Day Coverage Position means a position assigned to an area where work coverage is required on a seven day basis throughout the year.

Workweek means the period beginning 12:00 A.M. Saturday and ending at 11:59 P.M. the following Friday except where the Commissioner has approved an alternate workweek for employees engaged in seven day operations.

V.POLICY

It is the policy of the Department of Children and Families in accordance with N.J.A.C. 4A:3-5, to maintain a formalized method for calculating overtime compensation as well as determining which specific employee groupings are entitled to such compensation.

VI.PROCEDURES GOVERNING OVERTIME COMPENSATION

A. Employees will be compensated for overtime in accordance with appropriate statutes and regulations including N.J.A.C. 4A:3-5.1 et. seq. and this policy. This includes part-time employees working beyond the hours required for a full-time workweek in that title.
(http://www.state.nj.us/csc/about/about/title4a/ch3_5.html#1)

1. Employees working between 35 and 40 hours in the NE and NL workweek who meet unusual work time requirements may be compensated at the

discretion of the appointing authority with hour for hour compensatory time.

- a. Unusual work time requirements include, but are not limited to,
 - i. Child death investigations
 - ii. Emergent special projects as defined by departmental senior management
 - iii. Missing child investigations
 - iv. Family Team Meetings ("FTM") including FTM preparation requiring supervisory oversight/input
 - v. Evening or weekend visits to families ("mvr's) or family in-office visits to provide supervisory oversight
 - vi. Supervisors directing removals or placements after hours
- 2. Employees meeting unusual work time requirements in non-limited titles (NL, N4,NE) may, at the discretion of the appointing authority, be compensated for such work at an hour-for-hour rate of compensatory time off.
 - a. Management employees working in exempt positions at range 32 or above not covered by a bargaining unit shall not be granted any overtime compensation.
 - b. In no event shall employees in NL or N4 titles have any entitlement to cash overtime compensation.
 - c. Compensatory time earned should be liquidated as soon as possible after accrual and should be used prior to other leave types. Employees should not accrue more than 60 hours compensatory time except where operational needs prevent the use of such time. Managers are responsible for ensuring that the maximum of 60 hours is not exceeded.
 - d. Employees exempt from the Fair Labor Standards Act (FLSA) such as NL or N4, will not be eligible for cash payment for compensatory time at the time of separation or transfer. It is the responsibility of the individual manager to ensure that all compensatory time is used.
 - e. Employees in work week NE, who have earned compensatory time for time worked between 35 and 40 hours are not permitted cash payment at any time.
- B. Department employees in the following groups working a workweek of 40 hours or more, may be eligible for overtime compensation for work performed beyond their regular work hours:

1. Employees in fixed workweek titles (35, 3E, 40, 4E) and covered non-limited titles (NE), shall be eligible for either cash payment or compensatory time off, at the discretion of the appointing authority, for work in excess of 40 hours per week at the rate of one and one half hours for each hour of overtime work.
 - a. Compensatory time earned by NE employees for hours in excess of 40 shall be used before compensatory time earned for hours between 35 and 40.

C. Overtime Payment and Approval Process

1. Employees must submit a Department of Children and Families [Overtime Request Form](#) (Attachment 1) for approval prior to working any overtime.
 - a. The form must be completed in its entirety and submitted to the employee's supervisor for approval.
 - b. Upon the supervisor's approval, it is submitted to the Cost Center Manager for their approval. Once the Cost Center Manager/ approves the form, it is returned to the submitting supervisor so the bottom portion of the form can be completed after the overtime is worked.
 - c. Once the Overtime assignment that was identified and approved is worked, the supervisor will complete the bottom portion of the Overtime Request Form to indicate who was assigned as a Buddy (if applicable), the actual time the overtime began and ended, the total hours worked, and whether the overtime was worked on a weekend. They will then sign the bottom to certify the information. This must be completed on the supervisor's first work day after the overtime assignment was worked.
 - d. Once the supervisor has certified the actual overtime information, the form is filed centrally in that office/cost center by the end of the pay period in which the overtime was worked. These records are to be made available upon request by the Office of Human Resources or any other office/agency auditing overtime expenditures.
2. In circumstances in which a spontaneous, emergent situation exists which puts the health or safety of an employee or client at risk, or as directed by Departmental Senior Staff, where prior approval is not possible, the form must be completed and processed as soon as practicable, but in no case later than the first work day after the overtime is worked.

3. These requirements do not apply to ongoing overtime operations such as SPRU or staff that work in the Statewide Central Registry.

XI. OCCASIONAL OR SPORADIC EMPLOYMENT

- A. Employees are prohibited from serving the Department in two capacities at the same time. Employees may not work in their regular position while on-call for SPRU, working SPRU, or working SCR
- B. Employees of DCF are not permitted to “volunteer” their time to the department working in the same capacity they do during their normal job. Pursuant to federal law, an FLSA non-exempt employee must be compensated whenever they are doing work for the department.

Attachments:

[Overtime Authorization Request Form](#)
[Overtime Eligibility and Compensation Chart](#)